

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1334

AN ACT

AMENDING TITLE 15, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY
CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 15, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY
5 FOR MILITARY CHILDREN

6 15-1911. Authority to enter compact: terms of interstate
7 compact on educational opportunity for military
8 children

9 ARTICLE I

10 PURPOSE

11 IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS TO EDUCATIONAL
12 SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES BECAUSE OF FREQUENT MOVES
13 AND DEPLOYMENT OF THEIR PARENTS BY:

14 A. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF MILITARY FAMILIES
15 AND ENSURING THAT THEY ARE NOT PLACED AT A DISADVANTAGE DUE TO DIFFICULTY IN
16 THE TRANSFER OF EDUCATION RECORDS FROM THE PREVIOUS SCHOOL DISTRICTS,
17 VARIATIONS IN ENTRANCE OR AGE REQUIREMENTS.

18 B. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH WHICH CHILDREN
19 OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY VARIATIONS IN ATTENDANCE
20 REQUIREMENTS, SCHEDULING, SEQUENCING, GRADING, COURSE CONTENT OR ASSESSMENT.

21 C. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR ENROLLMENT,
22 EDUCATIONAL PROGRAMS AND PARTICIPATION IN EXTRACURRICULAR ACADEMIC, ATHLETIC
23 AND SOCIAL ACTIVITIES.

24 D. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF MILITARY
25 FAMILIES.

26 E. PROVIDING FOR THE PROMULGATION AND ENFORCEMENT OF ADMINISTRATIVE
27 RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT.

28 F. PROVIDING FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
29 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER THIS
30 COMPACT.

31 G. PROMOTING COORDINATION BETWEEN THIS COMPACT AND OTHER COMPACTS
32 AFFECTING MILITARY CHILDREN.

33 H. PROMOTING FLEXIBILITY AND COOPERATION BETWEEN THE EDUCATIONAL
34 SYSTEM, PARENTS AND THE STUDENT IN ORDER TO ACHIEVE EDUCATIONAL SUCCESS FOR
35 THE STUDENT.

36 ARTICLE II

37 DEFINITIONS

38 AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY REQUIRES A
39 DIFFERENT CONSTRUCTION:

40 A. "ACTIVE DUTY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE UNIFORMED
41 SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND
42 RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 UNITED STATES CODE SECTIONS 1209
43 AND 1211.

1 B. "CHILDREN OF MILITARY FAMILIES" MEANS SCHOOL-AGED CHILDREN,
2 ENROLLED IN KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE, IN THE
3 HOUSEHOLD OF AN ACTIVE DUTY MEMBER.

4 C. "COMPACT COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH
5 COMPACTING STATE APPOINTED PURSUANT TO ARTICLE VIII OF THIS COMPACT.

6 D. "DEPLOYMENT" MEANS: THE PERIOD ONE MONTH PRIOR TO THE SERVICE
7 MEMBERS' DEPARTURE FROM THEIR HOME STATION ON MILITARY ORDERS THROUGH SIX
8 MONTHS AFTER RETURN TO THEIR HOME STATION.

9 E. "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL RECORDS, FILES AND DATA
10 DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY THE SCHOOL OR LOCAL EDUCATION
11 AGENCY, INCLUDING RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S
12 CUMULATIVE FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND
13 OF ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUATIVE
14 TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS AND INDIVIDUALIZED
15 EDUCATION PROGRAMS.

16 F. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED
17 BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN ORGANIZATION SANCTIONED BY THE
18 LOCAL EDUCATION AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE PREPARATION FOR
19 AND INVOLVEMENT IN PUBLIC PERFORMANCES, CONTESTS, ATHLETIC COMPETITIONS,
20 DEMONSTRATIONS, DISPLAYS AND CLUB ACTIVITIES.

21 G. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
22 CHILDREN" MEANS THE COMMISSION THAT IS CREATED UNDER ARTICLE IX OF THIS
23 COMPACT, WHICH IS GENERALLY REFERRED TO AS INTERSTATE COMMISSION.

24 H. "LOCAL EDUCATION AGENCY" MEANS A PUBLIC AUTHORITY LEGALLY
25 CONSTITUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO PROVIDE CONTROL OF
26 AND DIRECTION FOR KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE IN
27 PUBLIC EDUCATIONAL INSTITUTIONS.

28 I. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.

29 J. "MILITARY INSTALLATION" MEANS A BASE, CAMP, POST, STATION, YARD,
30 CENTER, HOMEPORT FACILITY FOR ANY SHIP OR OTHER ACTIVITY UNDER THE
31 JURISDICTION OF THE DEPARTMENT OF DEFENSE, INCLUDING ANY LEASED FACILITY,
32 THAT IS LOCATED WITHIN ANY OF THE SEVERAL STATES, THE DISTRICT OF COLUMBIA,
33 THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM,
34 AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER UNITED STATES
35 TERRITORY. MILITARY INSTALLATION DOES NOT INCLUDE ANY FACILITY USED
36 PRIMARILY FOR CIVIL WORKS, RIVERS AND HARBORS PROJECTS, OR FLOOD CONTROL
37 PROJECTS.

38 K. "NONMEMBER STATE" MEANS A STATE THAT HAS NOT ENACTED THIS COMPACT.

39 L. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A MILITARY
40 FAMILY IS SENT, BROUGHT OR CAUSED TO BE SENT OR BROUGHT.

41 M. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION
42 PROMULGATED PURSUANT TO ARTICLE XII OF THIS COMPACT THAT IS OF GENERAL
43 APPLICABILITY, THAT IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR
44 PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE
45 REQUIREMENT OF THE INTERSTATE COMMISSION, AND THAT HAS THE FORCE AND EFFECT

1 OF STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL OR
2 SUSPENSION OF AN EXISTING RULE.

3 N. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A MILITARY
4 FAMILY IS SENT, BROUGHT OR CAUSED TO BE SENT OR BROUGHT.

5 O. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
6 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS,
7 GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER UNITED
8 STATES TERRITORY.

9 P. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM THE LOCAL
10 EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND WHO IS FORMALLY ENROLLED IN A
11 KINDERGARTEN PROGRAM OR GRADES ONE THROUGH TWELVE.

12 Q. "TRANSITION" MEANS THE FORMAL AND PHYSICAL PROCESS OF TRANSFERRING
13 FROM SCHOOL TO SCHOOL OR THE PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE
14 SCHOOL IN THE SENDING STATE TO ANOTHER SCHOOL IN THE RECEIVING STATE.

15 R. "UNIFORMED SERVICES" MEANS THE ARMY, NAVY, AIR FORCE, MARINE CORPS
16 AND COAST GUARD AS WELL AS THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND
17 ATMOSPHERIC ADMINISTRATION, AND PUBLIC HEALTH SERVICES.

18 S. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED SERVICES AND
19 WHO WAS DISCHARGED OR RELEASED THERE FROM UNDER CONDITIONS OTHER THAN
20 DISHONORABLE.

21 ARTICLE III
22 APPLICABILITY

23 A. EXCEPT AS OTHERWISE PROVIDED IN SECTION B, THIS COMPACT SHALL APPLY
24 TO THE CHILDREN OF:

25 1. ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS DEFINED IN THIS
26 COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY
27 ORDERS PURSUANT TO 10 UNITED STATES CODE SECTIONS 1209 AND 1211.

28 2. MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO ARE SEVERELY
29 INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A PERIOD OF ONE YEAR AFTER
30 MEDICAL DISCHARGE OR RETIREMENT.

31 3. MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE DUTY OR AS A
32 RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD OF ONE YEAR AFTER
33 DEATH.

34 B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY APPLY TO LOCAL
35 EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.

36 C. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE CHILDREN OF:

37 1. INACTIVE MEMBERS OF THE NATIONAL GUARD AND MILITARY RESERVES.

38 2. MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED, EXCEPT AS PROVIDED
39 IN SECTION A.

40 3. VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS PROVIDED IN
41 SECTION A.

42 4. OTHER UNITED STATES DEPARTMENT OF DEFENSE PERSONNEL AND OTHER
43 FEDERAL AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED AS ACTIVE DUTY
44 MEMBERS OF THE UNIFORMED SERVICES.

ARTICLE IV
EDUCATIONAL RECORDS AND ENROLLMENT

1
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3 A. UNOFFICIAL OR HAND-CARRIED EDUCATION RECORDS - IN THE EVENT THAT
4 OFFICIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE PARENTS FOR THE PURPOSE
5 OF TRANSFER, THE CUSTODIAN OF THE RECORDS IN THE SENDING STATE SHALL PREPARE
6 AND FURNISH TO THE PARENT A COMPLETE SET OF UNOFFICIAL EDUCATIONAL RECORDS
7 CONTAINING UNIFORM INFORMATION AS DETERMINED BY THE INTERSTATE COMMISSION.
8 ON RECEIPT OF THE UNOFFICIAL EDUCATION RECORDS BY A SCHOOL IN THE RECEIVING
9 STATE, THE SCHOOL SHALL ENROLL AND APPROPRIATELY PLACE THE STUDENT BASED ON
10 THE INFORMATION PROVIDED IN THE UNOFFICIAL RECORDS PENDING VALIDATION BY THE
11 OFFICIAL RECORDS, AS QUICKLY AS POSSIBLE.

12 B. OFFICIAL EDUCATION RECORDS AND TRANSCRIPTS - SIMULTANEOUS WITH THE
13 ENROLLMENT AND CONDITIONAL PLACEMENT OF THE STUDENT, THE SCHOOL IN THE
14 RECEIVING STATE SHALL REQUEST THE STUDENT'S OFFICIAL EDUCATION RECORD FROM
15 THE SCHOOL IN THE SENDING STATE. ON RECEIPT OF THIS REQUEST, THE SCHOOL IN
16 THE SENDING STATE WILL PROCESS AND FURNISH THE OFFICIAL EDUCATION RECORDS TO
17 THE SCHOOL IN THE RECEIVING STATE WITHIN TEN DAYS OR WITHIN SUCH TIME AS IS
18 REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE
19 COMMISSION.

20 C. IMMUNIZATIONS - COMPACTING STATES SHALL GIVE THIRTY DAYS FROM THE
21 DATE OF ENROLLMENT OR SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES
22 PROMULGATED BY THE INTERSTATE COMMISSION FOR STUDENTS TO OBTAIN ANY
23 IMMUNIZATIONS REQUIRED BY THE RECEIVING STATE. FOR A SERIES OF
24 IMMUNIZATIONS, INITIAL VACCINATIONS MUST BE OBTAINED WITHIN THIRTY DAYS OR
25 WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY
26 THE INTERSTATE COMMISSION.

27 D. KINDERGARTEN AND FIRST GRADE ENTRANCE AGE - STUDENTS SHALL BE
28 ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL IN THE RECEIVING STATE
29 COMMENSURATE WITH THEIR GRADE LEVEL, INCLUDING KINDERGARTEN, FROM A LOCAL
30 EDUCATION AGENCY IN THE SENDING STATE AT THE TIME OF TRANSITION, REGARDLESS
31 OF AGE. A STUDENT WHO HAS SATISFACTORILY COMPLETED THE PREREQUISITE GRADE
32 LEVEL IN THE LOCAL EDUCATION AGENCY IN THE SENDING STATE SHALL BE ELIGIBLE
33 FOR ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL IN THE RECEIVING STATE,
34 REGARDLESS OF AGE. A STUDENT TRANSFERRING AFTER THE START OF THE SCHOOL YEAR
35 IN THE RECEIVING STATE SHALL ENTER THE SCHOOL IN THE RECEIVING STATE ON THE
36 STUDENT'S VALIDATED LEVEL FROM AN ACCREDITED SCHOOL IN THE SENDING STATE.

37 ARTICLE V
38 PLACEMENT AND ATTENDANCE

39 A. COURSE PLACEMENT - WHEN THE STUDENT TRANSFERS BEFORE OR DURING THE
40 SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF
41 THE STUDENT IN EDUCATIONAL COURSES BASED ON THE STUDENT'S ENROLLMENT IN THE
42 SENDING STATE SCHOOL OR EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN
43 THE SENDING STATE, OR BOTH, IF THE COURSES ARE OFFERED. COURSE PLACEMENT
44 INCLUDES HONORS, INTERNATIONAL BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL,
45 TECHNICAL AND CAREER PATHWAYS COURSES. CONTINUING THE STUDENT'S ACADEMIC

1 PROGRAM FROM THE PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND
2 CAREER CHALLENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING PLACEMENT.
3 THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING
4 SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND CONTINUED
5 ENROLLMENT OF THE STUDENT IN THE COURSES.

6 B. EDUCATIONAL PROGRAM PLACEMENT - THE RECEIVING STATE SCHOOL SHALL
7 INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL PROGRAMS BASED ON
8 CURRENT EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE
9 OR PARTICIPATION AND PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE. SUCH
10 PROGRAMS INCLUDE GIFTED AND TALENTED PROGRAMS AND ENGLISH AS A SECOND
11 LANGUAGE. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
12 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE
13 STUDENT.

14 C. SPECIAL EDUCATION SERVICES - IN COMPLIANCE WITH THE FEDERAL
15 REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20 UNITED
16 STATES CODE SECTION 1400), THE RECEIVING STATE SHALL INITIALLY PROVIDE
17 COMPARABLE SERVICES TO A STUDENT WITH DISABILITIES BASED ON THE STUDENT'S
18 CURRENT INDIVIDUALIZED EDUCATION PROGRAM. IN COMPLIANCE WITH THE
19 REQUIREMENTS OF SECTION 504 OF THE REHABILITATION ACT (29 UNITED STATES CODE
20 SECTION 794) AND WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT (42
21 UNITED STATES CODE SECTIONS 12131 THROUGH 12165), THE RECEIVING STATE SHALL
22 MAKE REASONABLE ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS THE NEEDS OF
23 INCOMING STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING 504 OR TITLE II
24 PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCATION. THIS DOES NOT
25 PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING SUBSEQUENT
26 EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE STUDENT.

27 D. PLACEMENT FLEXIBILITY - LOCAL EDUCATION AGENCY ADMINISTRATIVE
28 OFFICIALS SHALL HAVE FLEXIBILITY IN WAIVING COURSE OR PROGRAM PREREQUISITES,
29 OR OTHER PRECONDITIONS FOR PLACEMENT IN COURSES OR PROGRAMS OFFERED UNDER THE
30 JURISDICTION OF THE LOCAL EDUCATION AGENCY.

31 E. ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES - A STUDENT WHOSE
32 PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES,
33 AS DEFINED BY THIS COMPACT, AND HAS BEEN CALLED TO DUTY FOR, IS ON LEAVE FROM
34 OR HAS IMMEDIATELY RETURNED FROM DEPLOYMENT TO A COMBAT ZONE OR COMBAT
35 SUPPORT POSTING SHALL BE GRANTED ADDITIONAL EXCUSED ABSENCES AT THE
36 DISCRETION OF THE LOCAL EDUCATION AGENCY SUPERINTENDENT TO VISIT WITH THE
37 STUDENT'S PARENT OR LEGAL GUARDIAN RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF
38 THE PARENT OR GUARDIAN.

39 ARTICLE VI
40 ELIGIBILITY

41 A. ELIGIBILITY FOR ENROLLMENT.

42 1. SPECIAL POWER OF ATTORNEY, RELATIVE TO THE GUARDIANSHIP OF A CHILD
43 OF A MILITARY FAMILY AND EXECUTED UNDER APPLICABLE LAW, SHALL BE SUFFICIENT
44 FOR THE PURPOSES OF ENROLLMENT AND ALL OTHER ACTIONS REQUIRING PARENTAL
45 PARTICIPATION AND CONSENT.

1 AGENCIES OF GOVERNMENT, LOCAL EDUCATION AGENCIES AND MILITARY INSTALLATIONS
2 CONCERNING THE STATE'S PARTICIPATION IN, AND COMPLIANCE WITH, THIS COMPACT
3 AND INTERSTATE COMMISSION ACTIVITIES. WHILE EACH MEMBER STATE MAY DETERMINE
4 THE MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT LEAST
5 THE STATE SUPERINTENDENT OF EDUCATION, A SUPERINTENDENT OF A SCHOOL DISTRICT
6 WITH A HIGH CONCENTRATION OF MILITARY CHILDREN, A REPRESENTATIVE FROM A
7 MILITARY INSTALLATION, ONE REPRESENTATIVE EACH FROM THE LEGISLATIVE AND
8 EXECUTIVE BRANCHES OF GOVERNMENT AND OTHER OFFICES AND STAKEHOLDER GROUPS THE
9 STATE COUNCIL DEEMS APPROPRIATE. A MEMBER STATE THAT DOES NOT HAVE A SCHOOL
10 DISTRICT DEEMED TO CONTAIN A HIGH CONCENTRATION OF MILITARY CHILDREN MAY
11 APPOINT A SUPERINTENDENT FROM ANOTHER SCHOOL DISTRICT TO REPRESENT LOCAL
12 EDUCATION AGENCIES ON THE STATE COUNCIL.

13 B. THE STATE COUNCIL OF EACH MEMBER STATE SHALL APPOINT OR DESIGNATE A
14 MILITARY FAMILY EDUCATION LIAISON TO ASSIST MILITARY FAMILIES AND THE STATE
15 IN FACILITATING THE IMPLEMENTATION OF THIS COMPACT.

16 C. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE ADMINISTRATION AND
17 MANAGEMENT OF THE STATE'S PARTICIPATION IN THE COMPACT SHALL BE APPOINTED BY
18 THE GOVERNOR OR AS OTHERWISE DETERMINED BY EACH MEMBER STATE.

19 D. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY EDUCATION LIAISON
20 DESIGNATED HEREIN SHALL BE EX-OFFICIO MEMBERS OF THE STATE COUNCIL, UNLESS
21 EITHER IS ALREADY A FULL VOTING MEMBER OF THE STATE COUNCIL.

22 ARTICLE IX
23 INTERSTATE COMMISSION ON EDUCATIONAL
24 OPPORTUNITY FOR MILITARY CHILDREN

25 THE MEMBER STATES HEREBY CREATE THE INTERSTATE COMMISSION ON
26 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN. THE ACTIVITIES OF THE
27 INTERSTATE COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
28 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

29 A. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER STATES AND SHALL
30 HAVE ALL THE RESPONSIBILITIES, POWERS AND DUTIES SET FORTH HEREIN, AND SUCH
31 ADDITIONAL POWERS AS MAY BE CONFERRED ON IT BY A SUBSEQUENT CONCURRENT ACTION
32 OF THE RESPECTIVE LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE
33 TERMS OF THIS COMPACT.

34 B. CONSIST OF ONE INTERSTATE COMMISSION VOTING REPRESENTATIVE FROM
35 EACH MEMBER STATE WHO SHALL BE THAT STATE'S COMPACT COMMISSIONER.

36 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE INTERSTATE
37 COMMISSION IS ENTITLED TO ONE VOTE.

38 2. A MAJORITY OF THE TOTAL MEMBER STATES SHALL CONSTITUTE A QUORUM FOR
39 THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS
40 OF THE INTERSTATE COMMISSION.

41 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER MEMBER STATE.
42 IF THE COMPACT COMMISSIONER IS UNABLE TO ATTEND A MEETING OF THE INTERSTATE
43 COMMISSION, THE GOVERNOR OR STATE COUNCIL MAY DELEGATE VOTING AUTHORITY TO
44 ANOTHER PERSON FROM THAT STATE FOR A SPECIFIED MEETING.

1 4. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE COMMISSION TO
2 BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

3 C. CONSIST OF EX-OFFICIO, NONVOTING REPRESENTATIVES WHO ARE MEMBERS OF
4 INTERESTED ORGANIZATIONS. SUCH EX-OFFICIO MEMBERS, AS DEFINED IN THE BYLAWS,
5 MAY INCLUDE MEMBERS OF THE REPRESENTATIVE ORGANIZATIONS OF MILITARY FAMILY
6 ADVOCATES, LOCAL EDUCATION AGENCY OFFICIALS, PARENT AND TEACHER GROUPS, THE
7 UNITED STATES DEPARTMENT OF DEFENSE, THE EDUCATION COMMISSION OF THE STATES,
8 THE INTERSTATE AGREEMENT ON THE QUALIFICATION OF EDUCATIONAL PERSONNEL AND
9 OTHER INTERSTATE COMPACTS AFFECTING THE EDUCATION OF CHILDREN OF MILITARY
10 MEMBERS.

11 D. MEET AT LEAST ONCE EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL
12 ADDITIONAL MEETINGS AND, ON THE REQUEST OF A SIMPLE MAJORITY OF THE MEMBER
13 STATES, SHALL CALL ADDITIONAL MEETINGS.

14 E. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS SHALL INCLUDE THE
15 OFFICERS OF THE INTERSTATE COMMISSION AND SUCH OTHER MEMBERS OF THE
16 INTERSTATE COMMISSION AS DETERMINED BY THE BYLAWS. MEMBERS OF THE EXECUTIVE
17 COMMITTEE SHALL SERVE A ONE YEAR TERM. MEMBERS OF THE EXECUTIVE COMMITTEE
18 SHALL BE ENTITLED TO ONE VOTE EACH. THE EXECUTIVE COMMITTEE SHALL HAVE THE
19 POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH THE EXCEPTION OF
20 RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT IN SESSION.
21 THE EXECUTIVE COMMITTEE SHALL OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE
22 ADMINISTRATION OF THIS COMPACT, INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE
23 PROVISIONS OF THIS COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH DUTIES AS
24 DEEMED NECESSARY. THE UNITED STATES DEPARTMENT OF DEFENSE SHALL SERVE AS AN
25 EX-OFFICIO, NONVOTING MEMBER OF THE EXECUTIVE COMMITTEE.

26 F. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR CONDITIONS AND
27 PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION
28 AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING. THE
29 INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL
30 RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR
31 PROPRIETARY INTERESTS.

32 G. PUBLIC NOTICE SHALL BE GIVEN BY THE INTERSTATE COMMISSION OF ALL
33 MEETINGS AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN
34 THE RULES OR AS OTHERWISE PROVIDED IN THIS COMPACT. THE INTERSTATE
35 COMMISSION AND ITS COMMITTEES MAY CLOSE A MEETING, OR PORTION THEREOF, IF IT
36 DETERMINES BY A TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY TO
37 EITHER:

38 1. RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL PERSONNEL
39 PRACTICES AND PROCEDURES.

40 2. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
41 AND STATE STATUTE.

42 3. DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT
43 IS PRIVILEGED OR CONFIDENTIAL.

44 4. INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY CENSURING A
45 PERSON.

1 D. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE RULES
2 PROMULGATED BY THE INTERSTATE COMMISSION AND THE BYLAWS, USING ALL NECESSARY
3 AND PROPER MEANS, INCLUDING THE USE OF JUDICIAL PROCESS.

4 E. TO ESTABLISH AND MAINTAIN OFFICES WHICH SHALL BE LOCATED WITHIN ONE
5 OR MORE OF THE MEMBER STATES.

6 F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

7 G. TO BORROW, ACCEPT, HIRE OR CONTRACT FOR SERVICES OF PERSONNEL.

8 H. TO ESTABLISH AND APPOINT COMMITTEES INCLUDING AN EXECUTIVE
9 COMMITTEE AS REQUIRED BY ARTICLE IX, SECTION E, WHICH SHALL HAVE THE POWER TO
10 ACT ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND
11 DUTIES HEREUNDER.

12 I. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS OR
13 CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND DETERMINE
14 THEIR QUALIFICATIONS, AND TO ESTABLISH THE INTERSTATE COMMISSION'S PERSONNEL
15 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, RATES OF
16 COMPENSATION AND QUALIFICATIONS OF PERSONNEL.

17 J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
18 SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE AND DISPOSE OF
19 THEM.

20 K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
21 OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL OR MIXED.

22 L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
23 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

24 M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

25 N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION
26 OF THE INTERSTATE COMMISSION.

27 O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, JUDICIARY AND
28 STATE COUNCILS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE
29 INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
30 INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
31 COMMISSION.

32 P. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING
33 THE COMPACT AND ITS IMPLEMENTATION AND OPERATION FOR OFFICIALS AND PARENTS
34 INVOLVED IN SUCH ACTIVITY.

35 Q. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND
36 EXCHANGING OF DATA.

37 R. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE WITH THE
38 BYLAWS.

39 S. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
40 ACHIEVE THE PURPOSES OF THIS COMPACT.

41 T. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
42 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER THIS
43 COMPACT.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

1
2
3 A. THE INTERSTATE COMMISSION, BY A MAJORITY OF THE MEMBERS PRESENT AND
4 VOTING, WITHIN TWELVE MONTHS AFTER THE FIRST INTERSTATE COMMISSION MEETING,
5 SHALL ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE
6 TO CARRY OUT THE PURPOSES OF THE COMPACT, INCLUDING:

7 1. ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE COMMISSION.

8 2. ESTABLISHING AN EXECUTIVE COMMITTEE, AND SUCH OTHER COMMITTEES AS
9 MAY BE NECESSARY.

10 3. PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND FOR GOVERNING ANY
11 GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR FUNCTION OF THE INTERSTATE
12 COMMISSION.

13 4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS
14 OF THE INTERSTATE COMMISSION, AND ENSURING REASONABLE NOTICE OF EACH SUCH
15 MEETING.

16 5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS AND
17 STAFF OF THE INTERSTATE COMMISSION.

18 6. PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE
19 INTERSTATE COMMISSION AND THE RETURN OF SURPLUS MONIES THAT MAY EXIST ON THE
20 TERMINATION OF THE COMPACT AFTER THE PAYMENT AND RESERVING OF ALL OF ITS
21 DEBTS AND OBLIGATIONS.

22 7. PROVIDING START UP RULES FOR INITIAL ADMINISTRATION OF THE COMPACT.

23 B. THE INTERSTATE COMMISSION, BY A MAJORITY OF THE MEMBERS, SHALL
24 ELECT ANNUALLY FROM AMONG ITS MEMBERS A CHAIRPERSON, A VICE-CHAIRPERSON AND A
25 TREASURER, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY BE
26 SPECIFIED IN THE BYLAWS. THE CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR
27 DISABILITY, THE VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE
28 INTERSTATE COMMISSION. THE OFFICERS SO ELECTED SHALL SERVE WITHOUT
29 COMPENSATION OR REMUNERATION FROM THE INTERSTATE COMMISSION, PROVIDED THAT,
30 SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, THE OFFICERS SHALL BE
31 REIMBURSED FOR ORDINARY AND NECESSARY COSTS AND EXPENSES INCURRED BY THEM IN
32 THE PERFORMANCE OF THEIR RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE
33 COMMISSION.

34 C. EXECUTIVE COMMITTEE, OFFICERS AND PERSONNEL.

35 1. THE EXECUTIVE COMMITTEE SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY
36 BE SET FORTH IN THE BYLAWS, INCLUDING BUT NOT LIMITED TO:

37 (a) MANAGING THE AFFAIRS OF THE INTERSTATE COMMISSION IN A MANNER
38 CONSISTENT WITH THE BYLAWS AND PURPOSES OF THE INTERSTATE COMMISSION.

39 (b) OVERSEEING AN ORGANIZATIONAL STRUCTURE WITHIN, AND APPROPRIATE
40 PROCEDURES FOR THE INTERSTATE COMMISSION TO PROVIDE FOR THE CREATION OF
41 RULES, OPERATING PROCEDURES AND ADMINISTRATIVE AND TECHNICAL SUPPORT
42 FUNCTIONS.

43 (c) PLANNING, IMPLEMENTING AND COORDINATING COMMUNICATIONS AND
44 ACTIVITIES WITH OTHER STATE, FEDERAL AND LOCAL GOVERNMENT ORGANIZATIONS IN
45 ORDER TO ADVANCE THE GOALS OF THE INTERSTATE COMMISSION.

1 2. THE EXECUTIVE COMMITTEE, SUBJECT TO THE APPROVAL OF THE INTERSTATE
2 COMMISSION, MAY APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERIOD, ON
3 SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION AS THE INTERSTATE
4 COMMISSION MAY DEEM APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS
5 SECRETARY TO THE INTERSTATE COMMISSION, BUT SHALL NOT BE A MEMBER OF THE
6 INTERSTATE COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE AND SUPERVISE SUCH
7 OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE COMMISSION.

8 D. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND EMPLOYEES SHALL
9 BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
10 CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR
11 OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR
12 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
13 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE
14 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED, THAT SUCH PERSON
15 SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR
16 LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL AND WANTON MISCONDUCT OF SUCH
17 PERSON.

18 1. THE LIABILITY OF THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND
19 EMPLOYEES OR INTERSTATE COMMISSION REPRESENTATIVES, ACTING WITHIN THE SCOPE
20 OF THEIR EMPLOYMENT OR DUTIES FOR ACTS, ERRORS OR OMISSIONS OCCURRING WITHIN
21 THEIR STATE MAY NOT EXCEED THE LIMITS OF LIABILITY SET FORTH UNDER THE
22 CONSTITUTION AND LAWS OF THAT STATE FOR STATE OFFICIALS, EMPLOYEES AND
23 AGENTS. THE INTERSTATE COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF
24 THE STATES FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION
25 SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE,
26 LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL AND WANTON
27 MISCONDUCT OF SUCH PERSON.

28 2. THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR AND
29 ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR OTHER
30 APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY AN INTERSTATE
31 COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION
32 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF
33 AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
34 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR THAT THE
35 DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
36 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT
37 THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM INTENTIONAL
38 OR WILFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

39 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, THE MEMBER STATE
40 OR THE INTERSTATE COMMISSION, AND THE REPRESENTATIVES OR EMPLOYEES OF THE
41 INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR
42 JUDGMENT, INCLUDING ATTORNEY FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS
43 ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
44 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
45 RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING

1 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
2 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION
3 DID NOT RESULT FROM INTENTIONAL OR WILFUL AND WANTON MISCONDUCT ON THE PART
4 OF SUCH PERSONS.

5 ARTICLE XII

6 RULE MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

7 A. RULE MAKING AUTHORITY - THE INTERSTATE COMMISSION SHALL PROMULGATE
8 REASONABLE RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES
9 OF THIS COMPACT. NOTWITHSTANDING THE FOREGOING, IF THE INTERSTATE COMMISSION
10 EXERCISES ITS RULE MAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF
11 THE PURPOSES OF THIS ACT, OR THE POWERS GRANTED HEREUNDER, SUCH AN ACTION BY
12 THE INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

13 B. RULE MAKING PROCEDURE - RULES SHALL BE MADE PURSUANT TO A RULE
14 MAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE
15 PROCEDURE ACT OF 1981, UNIFORM LAWS ANNOTATED, VOL. 15, P.1 (2000), AS
16 AMENDED, AS MAY BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE
17 COMMISSION.

18 C. NOT LATER THAN THIRTY DAYS AFTER A RULE IS PROMULGATED, ANY PERSON
19 MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE, PROVIDED THAT THE FILING
20 OF SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING
21 EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL
22 LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE
23 INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT FIND THE
24 RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE
25 INTERSTATE COMMISSION'S AUTHORITY.

26 D. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES REJECT A
27 RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
28 THE COMPACT, SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY
29 COMPACTING STATE.

30 ARTICLE XIII

31 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

32 A. OVERSIGHT.

33 1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
34 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL
35 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
36 INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES PROMULGATED HEREUNDER
37 SHALL HAVE STANDING AS STATUTORY LAW.

38 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES
39 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO
40 THE SUBJECT MATTER OF THIS COMPACT THAT MAY AFFECT THE POWERS,
41 RESPONSIBILITIES OR ACTIONS OF THE INTERSTATE COMMISSION.

42 3. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE
43 OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE IN
44 THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO

1 THE INTERSTATE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE
2 INTERSTATE COMMISSION, THIS COMPACT OR PROMULGATED RULES.

3 B. DEFAULT, TECHNICAL ASSISTANCE, SUSPENSION AND TERMINATION - IF THE
4 INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED IN THE
5 PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT, OR THE
6 BYLAWS OR PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:

7 1. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
8 STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING THE DEFAULT AND ANY
9 ACTION TAKEN BY THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION SHALL
10 SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT.

11 2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
12 REGARDING THE DEFAULT.

13 3. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE DEFAULTING
14 STATE SHALL BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A
15 MAJORITY OF THE MEMBER STATES AND ALL RIGHTS, PRIVILEGES AND BENEFITS
16 CONFERRED BY THIS COMPACT SHALL BE TERMINATED FROM THE EFFECTIVE DATE OF
17 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
18 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

19 4. SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
20 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
21 EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE
22 INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF
23 THE DEFAULTING STATE'S LEGISLATURE AND EACH OF THE MEMBER STATES.

24 5. THE STATE THAT HAS BEEN SUSPENDED OR TERMINATED IS RESPONSIBLE FOR
25 ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
26 DATE OF SUSPENSION OR TERMINATION, INCLUDING OBLIGATIONS, THE PERFORMANCE OF
27 WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION.

28 6. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO ANY
29 STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT HAS BEEN SUSPENDED OR
30 TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED ON IN WRITING
31 BETWEEN THE INTERSTATE COMMISSION AND THE DEFAULTING STATE.

32 7. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE
33 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
34 OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS
35 PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
36 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

37 C. DISPUTE RESOLUTION.

38 1. THE INTERSTATE COMMISSION, ON THE REQUEST OF A MEMBER STATE, SHALL
39 ATTEMPT TO RESOLVE DISPUTES THAT ARE SUBJECT TO THE COMPACT AND THAT MAY
40 ARISE AMONG MEMBER STATES AND BETWEEN MEMBER AND NONMEMBER STATES.

41 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
42 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

43 D. ENFORCEMENT.

44 1. THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
45 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

1 INTERSTATE COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT
2 BY ALL STATES.

3 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR
4 ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND
5 BINDING ON THE INTERSTATE COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL
6 IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

7 ARTICLE XVI
8 WITHDRAWAL AND DISSOLUTION

9 A. WITHDRAWAL.

10 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN
11 BINDING ON EACH AND EVERY MEMBER STATE, PROVIDED THAT A MEMBER STATE MAY
12 WITHDRAW FROM THE COMPACT SPECIFICALLY REPEALING THE STATUTE THAT ENACTED THE
13 COMPACT INTO LAW.

14 2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE
15 REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL ONE YEAR AFTER THE
16 EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS
17 BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER
18 JURISDICTION.

19 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF
20 THE INTERSTATE COMMISSION IN WRITING ON THE INTRODUCTION OF LEGISLATION
21 REPEALING THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE COMMISSION
22 SHALL NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO
23 WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT THEREOF.

24 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS,
25 OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
26 WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND THE
27 EFFECTIVE DATE OF WITHDRAWAL.

28 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR ON
29 THE WITHDRAWING STATE REENACTING THE COMPACT OR ON SUCH LATER DATE AS
30 DETERMINED BY THE INTERSTATE COMMISSION.

31 B. DISSOLUTION OF COMPACT.

32 1. THIS COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE WITHDRAWAL
33 OR DEFAULT OF THE MEMBER STATE WHICH REDUCES THE MEMBERSHIP IN THE COMPACT TO
34 ONE MEMBER STATE.

35 2. ON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES NULL AND
36 VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND AFFAIRS
37 OF THE INTERSTATE COMMISSION SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE
38 DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

39 ARTICLE XVII
40 SEVERABILITY AND CONSTRUCTION

41 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY
42 PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING
43 PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

44 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO
45 EFFECTUATE ITS PURPOSES.

1 C. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT THE
2 APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

3 ARTICLE XVIII

4 BINDING EFFECT OF COMPACT AND OTHER LAWS

5 A. OTHER LAWS.

6 1. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A
7 MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

8 2. ALL MEMBER STATES' LAWS CONFLICTING WITH THIS COMPACT ARE
9 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

10 B. BINDING EFFECT OF THE COMPACT.

11 1. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL
12 RULES AND BYLAWS PROMULGATED BY THE INTERSTATE COMMISSION, ARE BINDING UPON
13 THE MEMBER STATES.

14 2. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER
15 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

16 3. IF ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS
17 IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH PROVISION SHALL BE
18 INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL PROVISION
19 IN QUESTION IN THAT MEMBER STATE.